

## Message Text

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C O N F I D E N T I A L USUN 1707

EXDIS

FROM LOS DEL

FOR L/ARA KOZAK, L/UNP STOWE

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: PUERTO RICAN REPRESENTATION ON LOS DEL  
AND ARTICLE 136 (II)

REF: STATE 97193

1. ARTICLE 136 MAY COME UP IN CII MONDAY OR TUESDAY. THE FRENCH, WHO PREVIOUSLY AGREED WITH US THAT ARTICLE 136 SHOULD BE DELETED, REQUESTED CONSULTATION WITH US ON POSSIBLE AMENDMENTS BEFORE REFTEL ARRIVED. THEY BASE THIS ON ASSESSMENT THAT DELETION MAY BE UNREALISTIC, AND EMERGING AGREEMENT WITHIN EEC ON AMENDMENTS. DUTCH APPARENTLY WISH TO APPLY 136 TO THE NETHERLAND ANTILLES. US DEL AGREES REASONABLE AMENDMENTS WOULD PUT US IN FAR BETTER POSITION POLITICALLY THAN PROBABLY FRUITLESS SUGGESTION OF DELETION. IF FRENCH AND BRITISH DO NOT SUPPORT DELETION, WE WILL BE COMPLETELY ISOLATED, AND CHAIRMAN OF CII WOULD PROBABLY BE FORCED TO DISREGARD OUR PROPOSAL. OUR POSTURE WITH NEWLY INDEPENDENT STATES WILL BE DAMAGED, AS WE WILL CLEARLY BE TAKING WHAT THEY REGARD AS AN EXTREME COLONIALIST POSITION.

2. WE ARE NOT AT ALL CERTAIN THAT FULL SCOPE OF  
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AMENDMENTS PARA 3 REFTEL CAN BE ACHIEVED, ALTHOUGH WE

THINK IT IS REASONABLY CLEAR THAT IT MAY NOT BE DIFFICULT TO OBTAIN A REFERENCE TO ASSOCIATED STATE NOT FULLY INDEPENDENT. WE DO BELIEVE, HOWEVER, THAT AMENDMENTS ARE A REASONABLE POSITION, AND PERMIT US TO DEFLECT EXTREMIST ATTACKS, AND MAY PROVIDE SOME BASIS FOR REDRAFT BY CHAIRMAN.

3. WITH RESPECT TO SPECIFIC LANGUAGE IN PARA 3, WE BELIEVE THE WORDS "OR POSSESSION" SHOULD BE DELETED SINCE THERE IS NO REFERENCE TO POSSESSIONS IN ARTICLE 136, AND SUCH A TERM WOULD BE INFLAMMATORY AT THE CONFERENCE. WITH RESPECT TO THE DELETION OF 136 (3), WE BELIEVE THIS WOULD BE EASIER TO OBTAIN IF THE WORD "EXCLUSIVE" WERE ADDED BEFORE THE WORD "BENEFIT". (WE ASSUME THAT THE PLURAL "BENEFITS" SHOULD BE THE SINGULAR "BENEFIT"). IN ADDITION, MR. AGRAIT CORRECTLY POINTS OUT THAT THERE IS A PROBLEM WITH THE TITLE. WE WOULD PROPOSE ADDING THE WORDS "NON-INDEPENDENT TERRITORIES AND" AT THE START OF THE TITLE.

4. WE UNDERSTAND REFTL AS NOT REPEAT NOT REQUIRING US DEL TO PUBLICLY SEEK DELETION OF PARA 2 OF ARTICLE 136, ALTHOUGH WE WOULD NOTE THAT IT ARGUABLY WOULD APPLY IN THE VIEW OF SOME STATES TO SOME SMALL PACIFIC ISLANDS WHERE WE HAVE SOVEREIGNTY DISPUTES. OUR GUESS IS THAT IF MOROCCO IS ON ITS TOES, IT MAY RAISE THE ISSUE, AND WE WOULD CONCUR IN THE WISDOM OF OUR STAYING OUT OF THAT POTENTIAL CABAL. HOWEVER, WE WOULD NOTE THAT ISRAELI DELEGATION HAS APPROACHED US ON THE PROBLEM, AND STRONGLY SUGGESTED DELETION OF 136 (SEE USUN 1601) AND WOULD ALSO NOTE THAT THE PARAGRAPH DOES NOT SEEM TO MAKE VERY MUCH SENSE, PARTICULARLY WITH RESPECT TO FISHING, WHERE IT MIGHT MERELY PROVIDE A WINDFALL FOR DISTANT-WATER FISHING STATES. ACCORDINGLY, IF DEPARTMENT DOES NOT WISH US TO TAKE ON THE BATTLE OF DELETING PARAGRAPH 2, WE WOULD STILL RECOMMEND THAT WE MAKE BEHIND THE SCENES EFFORTS FOR DELETION WITH OTHERS THAT MIGHT BE PREJUDICED BY IT.

5. US DEL RECOMMENDS THAT DEPARTMENT BE PREPARED TO CONFIDENTIAL

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RESPOND TO INQUIRES FROM US TERRITORIES AND POSSESSIONS AS TO WHETHER OR NOT THE AMENDED 136 WILL APPLY TO THEM.

6. WE HAVE ATTEMPTED TO DEFER CONSULTATIONS WITH THE FRANCH RECEIPT INSTRUCTIONS.  
SHERER

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## Message Attributes

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